

ORIGINAL

COVINGTON & BURLING

1201 PENNSYLVANIA AVENUE, N. W.

P.O. BOX 7566

WASHINGTON, D.C. 20044-7566

(202) 662-6000

FACSIMILE: (202) 662-6291

JONATHAN D. BLAKE

DIRECT DIAL NUMBER

(202) 662-5506

jblake@cov.com

LECONFIELD HOUSE

CURZON STREET

LONDON W1Y 8AS

ENGLAND

TELEPHONE: 44-171-495-5655

FACSIMILE: 44-171-495-3101

December 29, 1999 EX PARTE OR LATE FILED

WUSTLAAN 44 AVENUE DES ARTS

BRUSSELS 1040 BELGIUM

TELEPHONE: 32-2-549-5230

FACSIMILE: 32-2-502-1598

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W.
Counter TW-A325
Washington, D.C. 20554

RECEIVED

DEC 29 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: **Ex Parte Notification**
Docket No. 99-168

Dear Ms. Secretary:

On Tuesday, December 28, 1999, Victor Tawil, Senior Vice President of the Association for Maximum Service Television, Inc., and the undersigned, MSTV's outside legal counsel, met with Ari Fitzgerald, Legal Advisor to Chairman Kennard and Peter Tenhula, Legal Advisor to Commissioner Powell, to discuss the issues involved in this proceeding.

MSTV reiterated the positions it has taken in comments and *ex parte* letters filed in this docket: (1) the band plan adopted for the 36 MHz in television channels 60-62 and 65-67 should be neutral as to uses of the band (e.g., fixed wireless, mobile, broadcast, broadband, or land mobile); (2) a channel plan of large blocks that are divisible by 6 MHz or smaller blocks that can be aggregated into 6 MHz channels is the most flexible, most harmonious with existing uses, and maximizes the opportunities for broadband video providers to use the installed base of television equipment; (3) public safety operations can be protected, as they are now, through the enforcement of emissions limits, rather than through the use of inflexible and wasteful guard bands; and (4) there is no reason, if a band-manager is used, to limit eligibility for the band-manager function to a certain class of services.

MSTV again urged a small adjustment to the plan under current Commission consideration, namely to allow any party to bid for 6 MHz bands (5 plus 1) and 12 MHz bands (10 plus 2), while permitting the auction also to go forward on the basis of separate 5 and 1 MHz blocks and 10 and 2 MHz blocks. However, in its meeting with Mr. Tenhula, MSTV also suggested an alternative which would allow the Commission to test its band-manager proposal and would provide opportunities for both narrowband and broadband commercial services: two blocks of 6 MHz, 10 MHz and 2 MHz, with the paired 2 MHz channels assigned to band-mangers (no service-based eligibility limitations). This proposal is attached in schematic form.

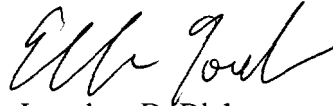
No. of Copies rec'd
List ABCDE

012

Ms. Magalie Roman Salas
December 29, 1999
Page 2

Please direct any questions to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jonathan D. Blake".

Jonathan D. Blake
Ellen P. Goodman

Attorneys for
Association of Maximum
Service Television, Inc.

cc:

Ari Fitzgerald
Peter A. Tenhula
Bryan Tramont
Mark D. Schneider
Adam Krinsky
Tom Sugrue
Kris Monteit

Docket No. 99-168 file



MHz	6	10	2	Public Safety		6	10	2	Public Safety	
Channel	60	61	62	63	64	65	66	67	68	69